

**CITY OF HAYWARD PLANNING COMMISSION
PROPOSED MIXED-USE, AFFORDABLE HOUSING DEVELOPMENT
LOCATED AT 29497, 29547, AND 29553 MISSION BOULEVARD
SITE PLAN REVIEW AND DENSITY BONUS APPLICATION NO. 201806620**

FINDINGS FOR APPROVAL

SITE PLAN REVIEW

Pursuant to Hayward Municipal Code Section 10-1.3025, the Planning Commission or other approving authority may approve or conditionally approve an application when all of the following findings are made:

1. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City

The proposed development will be compatible with surrounding structures and uses in that the project consists of a transit oriented development (TOD) along Mission Boulevard approximately one-half mile from the South Hayward BART Station. The development of the vacant 2.21-acre infill site will result in the construction of a five-story, mixed-use building with 140 dwelling units of affordable housing for families coupled with a 2,700 square-foot day care center and 1,800 square-foot commercial retail space fronting Mission Boulevard. Ground-floor uses will include a mix of parking, common open space amenities, commercial land uses, and some residential units, while the majority of the 2nd through 5th floors as primarily residential units. As the project site is bordered by one- and two-story commercial structures along the northern, southern, and eastern (across the street) boundaries of the project site, the proposed day care center, retail space, and bike repair shop will continue to activate the commercial presence along the street frontage and promote pedestrian activity along the corridor. The project site is also bordered by existing multi-family residential complexes to the west which will be a compatible with the proposed use.

The project site and adjacent parcels are located within the South Hayward BART Form-Based Code (FBC) area, which allows for the construction of denser, mixed-use developments between two- and six-story structures given its proximity from and access to higher-frequency public transit. Within the FBC area, numerous new housing, mixed-use, and commercial developments have been approved, (e.g. SoHay, Legacy/Campways, Mission Seniors, Mission Village) which will transform the Mission Boulevard corridor over the next 5 years. To date, the Eden Housing Alta Mira (affordable senior and family) and AMCAL Cadence (market rate) developments are the only five-story structures along Mission Boulevard. Although the project proposes a five-story building which is taller than most surrounding structures, the development aligns with the intent, goals, and policies of the FBC and Sustainable Mixed-Use (SMU) land use designation of the *Hayward 2040 General Plan*.

The project has been designed with a contemporary approach incorporating flat and shed roofs along all four sides of the structure coupled with varying wall planes and reliefs to avoid blank, monotonous facades. Several facades of the building include prominent focal tower design elements with triangular, multi-colored control joints to maintain visual interest and continuity throughout the development. Private balconies will also be installed along several of the side, rear, and interior-facing dwelling units to enhance the activation of

building facades. In addition, the principal building has been designed to be U-shaped and centered on the project site which allows for two-way vehicular and emergency vehicle access around the building lined with surface and tuck-under parking. These design considerations essentially provide 30- to 50-foot buffer off the side and rear property lines to avoid any massing impacts on adjacent properties.

2. The development takes into consideration physical and environmental constraints;

The development takes into consideration physical and environmental constraints in that the proposed project situated on a vacant 2.21-acre infill site that will accommodate a mixed-use building, on-site parking, common open space, emergency vehicular access, functional site circulation and off-street trash service. The site is generally flat with a slight slope from Mission Boulevard towards the rear of the project site

The depth of the parcel presents a site design challenge due to required apparatus access, minimum ladder pad areas, and adequate turnaround area space for the Fire Department in the event of an emergency. Accordingly, the building was designed as a U-shape with two driveways on each side of the Mission Boulevard frontage to allow for two-way circulation, trash service, and emergency vehicle access around the entire building. With the use of the Density Bonus concession, the applicant requested to provide an increased side-yard setback (30- to 51-feet proposed) beyond the maximum 24-foot standard in order to 1) provide tuck-under and surface parking around the parking, and 2) meet Fire Department standards. As stated above, this simultaneously creates ample setbacks/buffers along the sides and rear of the principal building to reduce any impact of massing, scale, and height onto the adjacent, shorter commercial and residential buildings

According to an Arborist Report, prepared by Certified Arborist Katie Krebbs, the site includes nine existing trees that are deemed protected by the City's Tree Preservation Ordinance; thus, requiring mitigation if removed. The appraised value of the protected trees to be removed was calculated at \$15,595 using the International Society of Arborist (ISA) tree appraisal methodology. Through the site design process, the project landscape architect, was able to plant a total of 62 trees (including street trees) on-site for a total mitigation value of \$27,800 to properly mitigate the loss of the existing protected trees. Thus, the proposed development has taken into consideration the physical and environmental constraints of the project site.

3. The development complies with the intent of City development policies and regulations; and

The project site is within the Urban Center Zone (S-T5) of the South Hayward BART/Mission Boulevard Form Based Code area with a corresponding land use designation of Sustainable Mixed-Use (SMU) in the *Hayward 2040 General Plan*. Of the subdistricts within the FBC, the S-T5 zone is the most intensive with respect to development given that it is envisioned to consist of mixed-use buildings that accommodate retail, office, and residential uses, along with townhouses and apartment buildings with a density range of 35-55 units per net acre. The project is deemed consistent with the development standards of the form-based code, with the exception of the requested concessions/incentives through density bonus law for modifications to the building disposition (setbacks), and the removal of the new thoroughfare designation.

The removal of the thoroughfare would result in an actual cost reduction for the project and is warranted due to the 56-foot wide road would result in a net loss of land area, which would reduce the project density on the site. If built, the thoroughfare would not tie into the existing roadway network and would otherwise dead-end at the property line.

The SMU land use designation of the General Plan allows for a residential density range of 4.3 to 100 units per net acre, and up to a maximum floor area ratio (FAR) of 2.0. The SMU land use designation generally applies to properties that are regional transit adjacent and are planned as walkable urban neighborhoods, especially since this project is 0.5-miles away from a major transportation hub. Further, the site is located within two Priority Development Areas focused around the South Hayward BART station that are intended to decrease dependency on the automobile and offer more people multi-modal options to walk, bike, or take transit for commute and daily trips through high-density TODs; thus, assisting to reduce automobile use, local and regional traffic congestion, and related greenhouse gas emissions.

The project will include a mix of one-, two-, and three-bedroom units of affordable housing for families targeted for low-income and very-low income households. Providing affordable housing is essential for a healthy community. In addition to a diverse mix of housing types, it is necessary to make available housing for residents of all income levels. As the population growth in the Bay Area continues to grow, it is important that affordable housing and higher density developments are located adjacent to public transit and neighborhood commercial land uses. Overall, the proposed mixed-use, transit-oriented development with affordable housing will support the following *Hayward 2040 General Plan* goals and policies:

- Land Use Policy LU-1.3 – Growth and Infill Development. The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.
- Land Use Policy LU-1.5 – Transit-Oriented Development. The City shall support high-density transit-oriented development within the city's s to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.
- Land Use Policy LU-1.6 – Mixed-Use Neighborhoods. The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.
- Land Use Policy LU-1.13 – Local Plan Consistency with Regional Plans. The City shall strive to develop and maintain local plans and strategies that are consistent with the Regional Transportation Plan and the Sustainable Communities Strategy to qualify for State transportation funding and project CEQA streamlining.
- Land Use Policy LU-2.8 – South Hayward BART Urban Neighborhood and Mixed-Use Corridor. The City shall encourage the development of vibrant, compact, mixed-use, and walkable urban neighborhoods within the South Hayward BART Neighborhood and the South Hayward BART Mixed-Use Corridor.
- Land Use Policy LU-2.9 – South Hayward BART Form-Based Code. The City shall maintain and implement the South Hayward BART to guide and regulate future development and

infrastructure improvements within the South Hayward BART Neighborhood and the South Hayward BART Mixed-Use Corridor.

- Land Use Policy LU-2.12 – Mission Boulevard Mixed-Use Corridor. The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.
- Land Use Policy LU-2.13 – Mission Boulevard Specific Plan. The City shall maintain and implement the Mission Boulevard to guide and regulate development within the Mission Boulevard Mixed-Use Corridor.
- Land Use Policy LU-5.1 – Mix of Uses and Activities. The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.
- Land Use Policy LU-3.1 – Complete Neighborhoods. The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.
- Land Use Policy LU-3.4 – Design of New Neighborhood Commercial and Mixed-Use Development. The City shall require new neighborhood commercial and mixed-use developments to have a pedestrian-scale and orientation by:
 - Placing the building and outdoor gathering spaces along or near the sidewalk.
 - Locating parking to the rear of the building or along the internal side yard of the property.
 - Designing the building with ground floor retail frontages or storefronts that front the street.
 - Enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.
- Economic Development Policy ED-5.5– Quality Development. The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.
- Housing Policy H-2.2 – Provide Incentives for Affordable Housing. The City shall promote the use of density bonuses and other incentives to facilitate the development of new housing for extremely low-, very low-, and low-income households.
- Housing Policy H-3.1 – Diversity of Housing Types. The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.
- Housing Policy H-3.2 – Transit Oriented Development. The City shall encourage transit-oriented developments that take advantage of the City’s convenient availability of transit.
- Housing Policy H-3.4 – Residential Uses Close to Services. The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

- Housing Policy H-3.6 – Flexible Standards and Regulations. The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.
- Housing Policy H-3.8 – Facilitate Lot Consolidation. The City shall facilitate lot consolidation to encourage the development of housing for lower-income households on infill sites.
- Housing Policy H-4.1 – Flexible Development Standards. The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.

4. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The development will be operated in a manner determined to be acceptable and compatible with surrounding developments in that the proposed project will result in the construction of mixed-use building, inclusive of commercial and residential land uses like those abutting the project site. Noted above, the project site does immediately abut residential land uses along the western edge, and commercial uses along the northern, eastern, and southern boundaries of the project site. Multi-family residential, day care centers and commercial retail uses are permitted by-right within the Form-Based Code area, and the non-residential uses of this project will serve as compatible neighborhood-serving businesses for residents and adjacent businesses alike. Given that the project site is located along Mission Boulevard, a major arterial street generating traffic-emissions, and includes sensitive receptors (e.g. residences and day care centers) within the development, the project is required to adhere Section 10-24.296 of the FBC EIR to mitigate potential air quality impacts through the installation of HVAC filtration systems designed to minimize potential health risks. A Health Risk Assessment (HRA) was prepared by EFI Global (May 2019), which concluded that the project would be consistent with City and Bay Area Air Quality Management District (BAAQMD) standards related to potential health risks. Additionally, during construction, the proposed project will be subject to all applicable provisions of the Hayward Municipal Code for construction, maintenance, landscaping etc. The proposed development will be required to adhere to the Conditions of Approval (within Attachment III) which will require the project to adhere to standard procedures of site preparation and development, including permitted hours of construction activity, as well as the incorporation of Best Management Practices (BMPs) for construction noise, grading, use of equipment to prevent adverse negative impacts onto adjacent properties.

ENVIRONMENTAL REVIEW

The City of Hayward certified the Environmental Impact Report (EIR) for the General Plan in 2014. The 2040 General Plan represents the community's view of its future and expresses the community's conservation and development goals for the next 26 years (2014 to 2040). The 2040 General Plan EIR assumed approximately 7,472 net new units of single-family housing and 7,339 net new units of multi-family housing would be developed through General Plan buildout.

The South Hayward BART/Mission Boulevard Form Based Code project replaced most of the existing zoning regulations applicable to an approximately 240-acre area along Mission Boulevard and centered on the South Hayward BART Station. On September 13, 2011, the Hayward City Council certified the South Hayward BART/Mission Boulevard Form-Based Code Supplemental EIR (SEIR). This document tiered from the 2006 South Hayward BART/Mission Boulevard Concept Design Plan Program EIR and the 2009 Route 238 Bypass Land Use Study Program EIR.

Aesthetics and Parking. Senate Bill (SB) 743, enacted in 2013, amended CEQA to provide that “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” Aesthetics and parking will no longer be considered in determining if a project has the potential to result in significant environmental effects, provided a project meets the following three criteria:

1. The project is in a transit priority area; and
2. The project is on an infill site; and
3. The project is residential, mixed-use residential, or an employment center.

Based on staff analysis, the project meets the above criteria as it is within one-half mile of the South Hayward BART Station, is in an urban area that has previously been developed and is a mixed-use residential project. Additionally, because of the project’s consistency with SB 743 criteria, aesthetics issues are not considered to be impacts under CEQA and are not addressed in this Infill Checklist.

Infill Checklist. The project’s environmental assessment was completed using an Environmental Consistency (“Infill”) Checklist, which primarily tiers off the General Plan EIR analysis. The Infill Checklist has been prepared in accordance with Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.

An infill checklist is intended to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. In accordance with CEQA Guidelines Section 15183, if the infill project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare an infill EIR if the written checklist shows that the effects of the infill project would be potentially significant.

The infill checklist concludes that the Mission Family Apartments project would not have any significant effects on the environment that either 1) have not already been analyzed in a prior EIR or 2) that are more significant than previously analyzed, or 3) that uniformly applicable development policies would not substantially mitigate (referred to in the Infill Checklist and Conditions of Approval as Standard Conditions of Approval).